

Amendment  
Serial No.09/739,476

Docket No. US000397

### **REMARKS**

In response to the Final Office Action, dated November 11, 2005, applicant respectfully requests Continued Examination of the above referred to patent application and entry of the amendments to the claims prior to the first Official Action in this matter.

Claims 1-9 are pending and stand rejected. Claims 1 and 6 have been amended. Claims 3 and 7 have been cancelled.

Claims 1-4 and 6-8 stand rejected under 35 USC 102(e) as being anticipated by Wei, Gang ("TV Program Classification Based on Face and Text Processing"), which is the same reason for rejecting the claims cited in the prior Office Action.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims and reasserts, as if in full, the remarks made in applicant's Response to the rejection of the claims in the prior Office Action. However, in the interest of advancing the prosecution of this matter, independent claims 1 and 6 have been amended. No new matter has been added. Support for the amendments to the independent claims 1 and 6 may be found at least in the subject matter recited in dependent claims 3 and 7, which have been cancelled.

Wei, Gang disclose a system to classify TV programs into predefined categories based on the analysis of their vide contents. This is useful in intelligent display. By applying face and text tracking to a number of training video segments including commercials, news, sitcoms and soaps, patterns are identified within each category of TV program in a predefined feature space that reflects the face and text characteristics of the video. (see Abstract). Wei, Gang discloses that with regard to text information, a "[n]umber (per unit time) and average duration of face and text trajectories are dimensions of this feature space. ... [F]aces and text with long duration or close shot size are important in recognizing TV programs. The faces and text trajectories are filtered by duration and shot size threshold. The number and average duration of the 'surviving' trajectories constitute additional dimensions in the feature space. In addition, the count and duration of face trajectories with faces larger than shoulder shots are also dimensions of the feature space." (see second paragraph, section 3.1).

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Wei, Gang teaches a system wherein the duration of text (and face) information is used to determine the type of program. However, Wei, Gang fails to teach or suggest "comparing the time of occurrence of two cues selected from the at least one identified cues and determining a proximity of occurrence of the two selected cues," classifying the program based on the "proximity of occurrence of the two selected cues," or testing the proximity of occurrence of the two selected cues to ignore the cues if they exceed a predetermined limit, as is recited in the claims.

The Office Action states that "[w]hile Wei, Gang does teach that the duration of text is used to determine the type of program, he also teaches that a number (per unit time) of text occurrences are used to create a feature space (in other words, they are used to classify programs). The number per unit time of text occurrences in the program clearly reads on the proximity feature of two text cues (occurrences) and the ability to classify the program according to the proximity of the two text occurrences." (See page 2, lines 10-15).

However, contrary to the statements made in the instant Office Action, Wei, Gang fails to classify programs based on the occurrence of two cues or that the two cues are within a predetermined time period. While, knowing the number of occurrence per unit time, it may be possible to determine a time between each of the occurrences in the number of occurrence per unit time, such a determination is not performed or utilized by Wei, Gang in classifying programs. Rather than using a fine grain measurement (i.e., individual measurements of occurrences) to classify programs, Wei, Gang uses a macro measurement (number of occurrences per unit time) to classify programs. Furthermore, Wei, Gang is totally silent with regard to utilizing occurrences that are within a predetermined time to classify programs.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Wei, Gang cannot be said to anticipate the present invention, because Wei, Gang fails to disclose each and every element recited.

At least for this reason, applicant submits that the rejection of claims 1 and 6, as amended, are not anticipated by the Wei, Gang reference.

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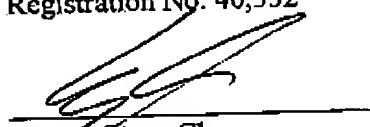
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With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

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